

AMENDMENT

Serial Number: 10/607,975

Filing Date: June 30, 2003

Title: Disposable article with centrally located zones of elasticity

Page 10 of 12

Dkt: 13222.238

REMARKS

Claims 5-9, 11-13, 15-26, and 54-58 are pending in the present application.

Claims 1-4, 10, and 14 are canceled.

Claims 27-53 are withdrawn from consideration.

Claims 5-8, 11, 16, 17, 24-26, and 54-58 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,205,679 to Repke *et al.* ("Repke").

Claims 5-9, 11-13, 15, and 18-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,413,249 to Turi *et al.* ("Turi").

With respect to the pending claims, each of these rejections is respectfully traversed.

The present application has been amended. In particular, claim 5 has been amended to clarify that both of the first and second elastic portions have a central portion positioned between the side portions of the article that has a lateral width less than the lateral width of the main chassis. In other words, the elastic portion does not extend to the lateral edges of the article. Support for this language is found throughout the application, including FIGS. 5-6 and 9-14, which illustrates the elastic portions positioned between the side portions of the article that have a lateral width less than the lateral width of the main chassis. Claim 5 has also been amended to clarify that each central portion extends in a longitudinal direction towards the crotch portion of the article. Support for this language is found throughout the application, including FIG. 2 and paragraph [0048], where it noted "As shown more clearly in FIG. 2, elastic portions 60 have a central portion 62 that protrudes in a direction toward a central or crotch, portion of the garment."

In order to better understand the current amendments to claim 5, Applicant respectfully requests the Examiner to compare the elastic portion illustrated in FIGS. 2-4 to the elastic portion illustrated in FIGS. 5-6 and 9-14. Claim 5 recites an elastic portion having a central portion that is positioned between the side portions of the article that has a lateral width less than the lateral width of the main chassis. Such a central elastic portion is illustrated, for example, in FIGS. 5-6 and 9-14. Please note that the central elastic portion is positioned between the side portions of the article and the central elastic portion does not extend to the lateral edges of the article in FIGS. 5-6 and 9-14. In contrast, claim 11 recites a first elastic portion having a first elastic

AMENDMENT

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Page 11 of 12

Dkt: 13222.238

portion corresponding to the front portion, *i.e.*, a central portion, and two first side elastic portions corresponding to the side portions of the article, and a second elastic portion corresponding to the back portion of the article, *i.e.*, a central portion, and two second side elastic portions corresponding to the side portions of the article. An elastic portion with such side elastic portions is illustrated, for example, in FIGS. 2-4.

Claim 6 has been amended to clarify that when the elastic portion **replaces** a portion of the chassis by having an edge of the elastic portion attach to an edge of the chassis via edge-to-edge attachment or an overlap attachment, the first region is the portion of the elastic portion that is attached to the chassis and the second region is the remaining portion of the elastic portion that is not attached to the chassis. Support for this language is found throughout the application, including FIG. 2 and paragraph [0049], where it noted “that elastic portion 60 (with or without carrier layers 32 and/or 32') can be applied to chassis 34 (as shown in FIG. 1) or can take the place of a portion of chassis 34 (as shown in FIG. 2). In FIG. 2, an edge 63 of elastic portion 60 attaches to an edge 5 of chassis 34. This attachment can be an edge-to-edge attachment or an overlap attachment.”

Claim 58 has been amended to clarify that the elastic portion is disposed between the first and second carrier layers. Support for this language is found throughout the application, including FIG. 2 and paragraph [0047], where it noted “each elastic unit 52 has an elastic portion 60 disposed between a first carrier layer 32 and a second carrier layer 32'.”

Claim 9 has been amended to describe the area discussed therein in a manner consistent with claim 6.

Claims 11, 12, 13, and 14 have been amended to describe the elastic portions discussed therein in a manner consistent with claim 5.

Claims 17-18, 25, and 54-57 have been amended to comply with the Examiner's suggestions, correct typographical errors, reflect the correct dependency of claims, and/or more clearly identify the portions of the article discussed therein.

Accordingly, no new matter is added through these amendments. In view of the above amendments and the following remarks, reconsideration is respectfully requested.

AMENDMENT

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Page 12 of 12

Dkt: 13222.238

CONCLUSION

In view of the above amendments, Applicant respectfully submits that neither Repke nor Turi disclose or teach at least the following elements of the amended independent claim 5: (1) a central elastic portion positioned between the side portions of the article having a lateral width less than the lateral width of the main chassis; or (2) a central elastic portion extending in a longitudinal direction towards the crotch portion of the article. Accordingly, amended claim 5, and hence claims 6-9, 11-13, 15-26 and 54-58, are patentable over Repke and Turi, either individually or any combination thereof. Therefore, reconsideration and allowance of amended claims 5-9, 11-13, 15-26 and 54-58 are respectfully requested.

It is believed that no fees are due in connection with filing this Amendment. However, in the event it is determined that any fees are due, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-3790.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 11 day of July, 2007.

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